

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Patent Application of)
Warren FINLAY et al.)
Based On Provisional Application 60/430,085) Attn: Applications
Which Was Filed: December 2, 2002) Branch
For: DEVICE AND METHOD FOR)
DEAGGLOMERATION OF POWDER)
FOR INHALATION) Date: December 2, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

By: 

Marc S. Kaufman
Registration No. 35,212

NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004-2128

(202) 585-8000

Substitute for form 1449A/PTO				Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number		New Application
				Filing Date		December 2, 2003
				First Named Inventor		Warren FINLAY et al.
				Art Unit		
				Examiner Name		
Sheet	1	of	1	Attorney Docket Number		745969-129

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
AB		US-2,865,370	09/06/1957	Gattone	
		US-4,047,525	09/13/1977	Kulesa et al.	
		US-4,940,051	07/10/1990	Lankinen	
AB		US-6,427,688 B1	08/06/2002	Ligotke et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	<i>Antwan B. Smith</i>	Date Considered	6/10/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



PATENT
ATTORNEY DOCKET NO.: 745969-129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Warren **FINLAY**, *et al.*

Application No. 10/724,774

Filed: December 2, 2003

For: **DEVICE AND METHOD FOR
DEAGGLOMERATION OF POWDER
FOR INHALATION**

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Examiner: Unknown

Group Art Unit: 3754

Confirmation No.: 9435

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

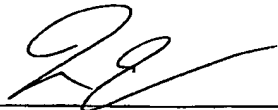
Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits for the above-referenced application. The listed documents were cited in a communication from the International Search Authority. The Search Report was mailed on February 4, 2004. Copies of the listed documents are attached.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380. (745969-129).

Respectfully submitted,
NIXON PEABODY, LLP

By: 

Marc S. Kaufman
Registration No. 35,212

Date: June 3, 2004

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, DC 20004-2128
Telephone: (202) 585-8000
FAX: (202) 585-8080



Docket No: 034343-2
Serial No: 10/724,774

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Patent Application of)
Warren FINLAY et al.)
Application No. 10/724,774) Group Art Unit: 3754
Filed: December 2, 2003)
For: DEVICE AND METHOD FOR)
DEAGGLOMERATION OF POWDER FOR)
INHALATION) Date: April 28, 2005

INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§1.97 and 1.98.

Pursuant to 37 C.F.R. §1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents and U.S. patent application publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. §371 after June 30, 2003.

I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement.

Docket No: 034343-2
Serial No: 10/724,774

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

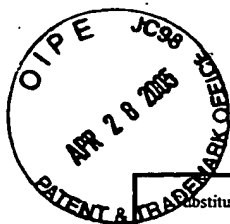
The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

By: *Joseph A. Pini* reg # 53,435 *for Marc S. Kaufman*
Marc S. Kaufman
Registration No. 35,212

NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004-2128

(202) 585-8000



Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Serial Number	10/724,774
				Filing Date	December 2, 2003
				First Named Inventor	Warren FINLAY et al.
				Art Unit	3754
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	034343-2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
OK		US-6,427,688 B1	August 6, 2002	Ligotke et al.	
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	<i>Andrew B...</i>	Date Considered	6/10/05
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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.